

House Resolution 1822

By: Representatives Bearden of the 68th, Benton of the 31st, Nix of the 69th, Collins of the 27th, Jerguson of the 22nd, and others

A RESOLUTION

1 Urging Attorney General Thurbert Baker to join with other state attorneys general from
2 around the nation in mounting a legal challenge to the constitutionality of the recently
3 enacted federal health care reform legislation; and for other purposes.

4 WHEREAS, the United States Congress passed legislation on March 21, 2010, ostensibly
5 to reform health care in the United States and President Barack Obama signed the legislation
6 into law on March 23, 2010; and

7 WHEREAS, immediately following the signing of the legislation by President Obama, the
8 attorneys general of Florida, South Carolina, Nebraska, Texas, Michigan, Utah,
9 Pennsylvania, Alabama, South Dakota, Idaho, Washington, Colorado and Louisiana filed a
10 legal challenge to the constitutionality of the legislation; and

11 WHEREAS, the legislation is massive in its scope and mandates all citizens to buy health
12 care insurance or face substantial penalties; and

13 WHEREAS, there is no authority in the United States Constitution for many of the
14 provisions of the legislation; and

15 WHEREAS, the legislation is in direct contravention of the Tenth Amendment to the United
16 States Constitution which defines our principles of federalism and limited government; and

17 WHEREAS, this legislation imposes costs on the states and their citizens improperly in the
18 form of unfunded mandates and cost shifting; and

19 WHEREAS, a concerted effort by the state attorneys general to challenge this legislation
20 judicially would be the most efficient and effective method of dealing with this improper
21 exercise of power by the Congress.

22 NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES that
23 the members of this body strongly urge Attorney General Thurbert Baker to join with other
24 state attorneys general from around the nation in mounting a legal challenge to the
25 constitutionality of the recently enacted federal health care reform legislation.

26 BE IT FURTHER RESOLVED that the Clerk of the House of Representatives is authorized
27 and directed to transmit an appropriate copy of this resolution to Attorney General Thurbert
28 Baker.